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THE INJURY ATTORNEYS

MEMO ENDORSED

REFER TO OUR FILE #: 88711

April 23, 2008

Honorable Stephen C. Robinson (R/R)
 U.S. District Court, Southern District
 U.S. Courthouse
 300 Quarropas Street
 White Plains, NY 10601

RE: Montamer Corporation v. Hartford Insurance Co.
 07-CIV-6531 (SCR) (LMS)

Honorable Sir:

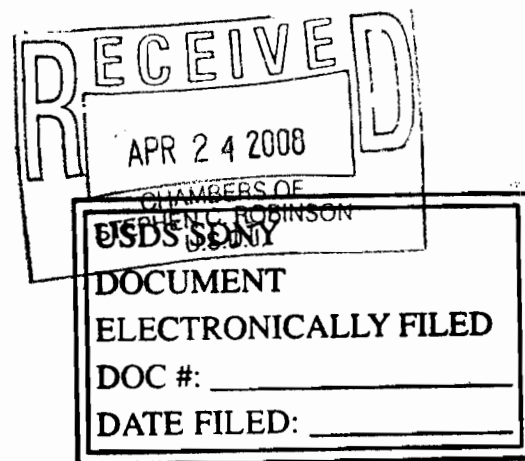
In accordance with your individual rules, plaintiff submits this letter as an application for leave to move to amend its Complaint pursuant to Rule 15. In the alternative, perhaps a conference might be scheduled so as to obviate the need for a written motion.

To refresh the Court's recollection, this is an action seeking to recover from defendant proceeds from an insurance policy issued to plaintiff by defendant which covered plaintiff's business. Plaintiff alleges that due to a fire the business sustained damage from both the fire and water used to fight it. Defendant counters that it is under no duty to pay and argues that plaintiff caused the damages itself.

As of this writing, issue has been joined and discovery underway. Paper discovery is still being exchanged, with no depositions yet conducted. Thus, this application to amend is made early in the litigation.

The proposed Amended Complaint merely amplifies existing claims and does not involve new parties or unrelated issues. More specifically, plaintiff adds a cause of action alleging that due to defendant's failure to honor its contractual obligations and act in good faith, plaintiff was forced to close its business and is now defunct. This allegation amplifies existing claims of property damage and lost profits asserted at a time when plaintiff expected the business to reopen.

Since the law heavily favors leave to amend, especially in circumstances as here where litigation is in its embryonic stages and defendant not prejudiced in its ability to defend, plaintiff suggests that a simple Conference be scheduled so as to implement leave to amend and any additional discovery arising therefrom.



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Please Send All Correspondence to the Address Indicated Above



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Thank you for your consideration in this matter.

Very truly yours,

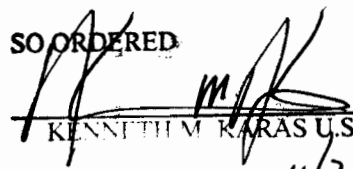
FINKELSTEIN & PARTNERS, LLP


ELEANOR L. POLIMENI, ESQ.

cc: Robinson & Cole LLP

Plaintiff is to provide a draft of
~~the amended~~ the proposed amended complaint
to Defendant by May 15, 2008. Defendant
is to notify the Court by May 29, 2008 if
it objects to the filing of the amended complaint.

SO ORDERED


KENNETH M. KARAS U.S.J.
4/30/08